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# Gender and tenure security in Gusiiland, Kenya: Improving household welfare through land rights

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# **Gender and Tenure Security in Gusiiland, Kenya: Improving Household Welfare through Land Rights<sup>1</sup>**

*Dolphine Isinta, Michael Flitner*

## **Abstract**

*This paper discusses the role of securing women's land rights in improving household welfare in Gusiiland (Kenya). Land in Gusiiland is a social asset acquired through patrilineal descent. It is a means of production and primary source of income for the majority of the population. Although the 2010 constitution accords women full land ownership rights, a complex set of customary institutions and established practices typically restricts them to usufruct land rights. Using a Feminist Political Ecology (FPE) framework, this paper argues that for Gusiiland, the realization of key Sustainable Development Goals (SDGs), in particular gender equality (5), poverty and hunger reduction (1 and 2) and peace and justice (16) depends on securing land rights which is crucial for supporting women's key role in household subsistence and gender equality broadly speaking. To this end, structural discrimination of women has to be fought in the areas of education and land governance, with the aim of implementing existing rights through improved institutional mechanisms.*

**Key words:** *Land rights, security, Sustainable Development Goals, women*

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<sup>1</sup> This draft paper was originally prepared for presentation at the "2018 World Bank Conference on Land and Property" held at The World Bank - Washington DC, March 19-23, 2018. D. Isinta is the first author of the paper and has also presented it at the Conference. The second author is the supervisor of the research project and has revised the draft.

## **Introduction**

Access to land is vital in eradicating poverty and food insecurity especially in rural areas where land is the primary source of livelihood and social identity (IFAD, 2015). For instance, in Sub-Saharan Africa, a direct link between land tenure security and food security has been determined and the absence of land tenure security has been shown to lead to a cycle of poverty (IFAD, 2015; Kumar, 2013). As a result, it is not surprising that land-related conflicts are prevalent especially in developing countries where close to three quarters of the population live in rural areas and depend on agricultural production for their livelihood (Wehrmann, 2008). Based on the economic and social values attached to land, land issues are rather emotive and politically sensitive (Edley, 1995). Population growth and unequal distribution in many developing countries have increased the demand for land and led to incidents of land conflicts in agrarian economies (Wily, 2009).

According to Mamo (2006), land conflicts in African countries often occur at an aggregate level involving boundary disputes among states, ethnic communities within a state, and at the local household level. Due to the political nature and sensitivity associated with boundary conflicts at a larger scale, national governments and the international community tend to prioritize their resolution. Meanwhile, local and household level land conflicts are often regarded as less important disputes and have received insufficient attention; most governments tend to shy away from them for a range of different reasons, which has resulted in a systematic buildup in inequity and violence. Unfortunately, in rural societies, the poorer and often marginalized social groups such as women and children are particularly vulnerable because they have weak, unprotected, or no tenure at all (IFAD, 2015). Therefore, they risk losing access to land they depend on to more powerful actors and even to members of their own family due to the aggressive and confrontational nature of many land disputes (Adoko & Levine, 2008).

Evidence from studies conducted in the sub-Saharan region have shown that access to land is embedded in cultural practices that are gender discriminative favouring men and disadvantaging women (Cotula, 2007; Whitehead & Tsikata, 2003; ). Drawing from Kenya, it has been noted that even though women make up for more than three quarters of food producers, they hold less than five percent of land titles (FIDA, 2017; GOK, 2011). Ordinarily, most cultures in East Africa demand that ancestral land in rural areas is acquired through inheritance down a patrilineal descent. Women's land rights, if there are any, are on the other hand secured through relationships with men, especially marriage. A report of the International Fund for Agricultural

Development points out that a woman is bound to lose her rights in land if the relationship linking her to the land-owning man is severed (IFAD 2015). Although joint registration of land is legally possible, female spouses usually just assume *de facto* land rights. Consequently, insecure land rights among the women who constitute more than half of the Kenyan population has been cited to be one of the major contributors to poverty, social instability and conflict in Kenya (FIDA, 2017; GOK, 2011).

In this paper, we argue that securing women's rights in land would greatly contribute to the realization of some of the Sustainable Development Goals (SDGs). The paper focusses on the Gusii<sup>2</sup> community located in western Kenya where land is the primary source of livelihood. Land acquisition through patrilineal descent in the community has resulted in subdivision of land to insufficient and unproductive sizes, increasing demand for land. Furthermore, land links one to a given genealogy, connecting the past, present and future generations. Interestingly, land is also considered a place of final rest since the Gusii people customarily bury the deceased on the land they own (Ntabo, 2006).

The Gusii community offers interesting features for land and gender studies owing to its population dynamics, attachment to customary law and high dependence on land. The region is acknowledged to be one of the most productive agricultural zones in Kenya and, as a result, the majority of its population derive livelihood from land. Furthermore, Gusiiland is recognized as the most populated region in Kenya with one of the highest population growth rates globally since the 1960s (Levine and Lloyd, 1966), and severe land shortage<sup>3</sup>. Customarily, the stability of a woman's rights in land depends on bearing sons, women thus commonly wish to give birth to many sons (Henrysson & Joireman, 2009; Masese, 2006). Consequently, this practise has contributed to land pressure as a result of population growth reducing the security of women's

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<sup>2</sup> The terms Gusii and Kisii are often interchangeably used to refer to the community, the language and the geographical area without clear-cut distinction of the understanding of the terms. For instance, Golaz, & Médard, (2016) and Gwako, (2013) used the term Gusii to refer to the people living in Gusiiland. Nyagwencha 2016 on the other hand used the local language term "Abagusii" to refer to the people and the term "Gusii" to identify the region/area occupied by the "Abagusii" people. Mocha (2013) also utilizes the term Gusii to refer to the geographical area and thereafter uses Kisii to refer to the people hailing from Gusiiland and also the local town. However, apart from a few cases, the term Kisii seems to commonly refer to the administrative units (County, Municipality, Town and District [prior to 2010 when a new constitution devolving governance was adopted]). For instance, Ondieki and Kebaso, 2017, Mocha 2013. Golaz, & Médard, (2016) Meert et.al., (2016) use Kisii to refer to both the region and the administrative unit. After 2010, there are two main administrative units in Gusiiland (Kisii County and Nyamira County). Therefore, throughout this article, the term Gusiiland will be used to refer to the geographical area and Gusii community/people to refer to the people living in Gusiiland.

<sup>3</sup> See Daily Nation Newspaper of 03.01.18 <https://www.nation.co.ke/counties/nyamira/Land-dilemma-in-Nyamira--Kisii-as-population-grows/3444896-4249484-1kykrz/index.html>

rights to land. The Gusii community is also acknowledged to have established customary institutions that predominantly consider land to be ‘men’s property’. Silberschmidt (1992) describes the community as ‘conservative and inflexible’. As a result, women headed households are often vulnerable to land disputes. Land related conflicts are intense and violent in the community, often resulting in eviction and even murder.<sup>4</sup>

Land related murders commonly occur during investigation into the dispute that often takes more than ten years, during which the litigant is killed. The Kisii high court judge pointed out in a news interview that murder of the litigants in land conflicts is common. Murder threats also contribute to injustice as litigants often lose hope and drop land conflict cases. Land feuds in rural Gusiiland commonly occur between neighbors who are often close relatives; between brothers, in-laws, parents and their children.<sup>5</sup> Land experts point out that forgery and corruption in the ministry of lands also contribute to existing land conflict cases. To be sure, land rights conflicts and insecurity affect both, men and women, but women are far more vulnerable due to customary roles, societal perception and lack of institutional support.

## **Methods and Theoretical Background**

This is a qualitative study which is largely based on desk-based research so far<sup>6</sup>, reviewing reports and newspaper articles, as well as the academic and legal literature on issues of women and land rights in Kenya, and in Gusiiland, in particular. The first author has knowledge from first-hand experience in the region. The study was guided by the Feminist Political Ecology (FPE) framework which merges insights from feminist theories with political ecology to elucidate gender as a key factor in ecological and political relations. As a general approach, the FPE framework draws attention to the structural moments of gender inequalities, as they play out in environmental problems and struggles over natural resources. In their classical introduction, Rocheleau, Thomas-Slayter and Wangari (1996: 4) identified “gender as a critical variable in shaping resource access and control, interacting with class, caste, race, culture, and ethnicity to shape the process of ecological change, the struggle of men and women to sustain ecologically

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<sup>4</sup> See standard Newspaper of 31.12.2017 <https://www.standardmedia.co.ke/business/article/2001264592/mothers-without-sons-suffer-in-succession-rows>, and Daily Nation of 3.01.2018 <https://www.nation.co.ke/counties/nyamira/Land-dilemma-in-Nyamira--Kisii-as-population-grows/3444896-4249484-1kykrrz/index.html>

<sup>5</sup> See numerous reports in the *Daily Nation* and the *Standard*, such as <http://www.nation.co.ke/news/Woman-dead-Kisii-land-dispute/1056-3863162-13pdr72z/index.html>; <https://www.standardmedia.co.ke/article/2000024669/anxiety-as-murders-rise-in-kisii-over-land-disputes>

<sup>6</sup> In the meantime, the first author, D. Isinta, has carried out extensive fieldwork in the region which will be presented in future publications.

viable livelihoods, and process of any community for ‘sustainable development’. [As a subfield of political ecology], FPE seeks to understand and interpret local experience in the context of global processes of environmental and economic change”.

Thus, generally speaking, FPE takes a social-constructivist stance regarding gender. Gender relationships are understood as historical, socio-political constructs that can change over time and space. Consequently, gender roles may also vary and can be changed by social and political processes. With regard to rural development, in many historical and present cases, men’s traditional roles are geared more to the market economy while women’s roles are focused on household subsistence activities. In an African context, employment of men in white collar jobs during the colonial era exposed men to paid labor while the wives often remained at home or in the fields ensuring family subsistence through unpaid labor (Omwoyo, 2008).

Privatization of land tenure in Kenya ensued land registration under the household head, usually the oldest male member, that presumably held land for the entire household. Furthermore, while men held rights that were recognized legally, women and the rest of the household often were limited to *de facto* rights without formal documentation. Customary beliefs – or what is being perceived as such – imply that land is owned by men and accessed by women through their relationships with men, especially marriage. In the FPE framework, it can be argued that women’s land rights were curtailed by the colonial land registration system that recognized men as exclusive land holders. Additionally, introduction of cash crop farming and access to global markets resulted in unsustainable exploitation of land and women who were the main farm workers in pursuit of men’s economic interests. This can be interpreted as a “co-constitution” of gender and environmental relationships with nature (cf. Nightingale 2011). Some authors argue that, the environmental hazards experienced today are rooted in privatization of land rights which is driven by capitalism and globalization resulting in overexploitation of land (Ossome 2014; Ntabo, 2006).

## **Historical Overview**

Land reforms have been a controversial topic in many developing countries since the 20th century. Most of these reforms aim at improving land tenure security and eliminating gender discrimination in land rights (Bayisenge, Höjer, & Espling, 2014). Land reforms in Kenya began with the introduction of land registration in 1954 under the colonial government. Prior to colonization land was abundant and communally owned by ethnic communities in Kenya. Land



was considered a gift from God to indigenous owners, meant to nourish the occupants, to be cared for and sustainably utilized to benefit future generations. The 1954 reforms commonly referred to as the Swynnerton plan<sup>7</sup>, were claimed to be a means of promoting economic growth through agricultural development. Based on the perceived customary system, land was formally registered under men (Daley & Englert, 2010).

As a result of formalization of land rights, women and children depended on men to access land. Consequently, men controlled income from cash crops even though women were the laborers. Women's rights to land were threatened as men held rights to transfer and manage land without consulting women. Additionally, women's responsibilities like household subsistence, that depended on land became difficult to undertake. As population increased and pressure on land grew, women were especially affected.

Some authors argue that customary law secured women's land rights better than formal law (Ossome, 2014). They argue that customary law was strategically altered to pursue the interests of the colonists and patriarchy which resulted in exclusive land registration under men (Ossome, 2014; Owoo & Boakye-Yiadom, 2014). Land registration in Kenya was implemented as a response to land complaints from Kenyans who had been alienated from their productive lands to less productive regions to pave way for colonial settlers. Since these complaints threatened the stability of the colonial government, some authors argue that land registration was introduced with the main aim of creating a land owners class who would presumably support the colonial government (Sayer, 1998). The landless class, who were mainly women, would be forced to work for the land owners to earn wages for their subsistence.

Despite the current Kenyan constitution substituting the gender discriminative substructures to enable more women to own land, land has largely remained a men's realm. Consequently, women's rights to land, whether access or ownership remain out of reach. Presumably, women remain sidelined in land administration which entangles with privatization and commoditization of land together with high dependence on agriculture, persistent poverty and the HIV/AIDS pandemic contributing to women's land insecurity (Daley & Englert, 2010; Kalande, 2008).

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<sup>7</sup> Land registration as an agricultural development policy was introduced by the colonial government through the Swynnerton plan geared towards improving agricultural productivity and improving land tenure security among the Kenyans communities. Through the plan, land ownership was changed from communal to private registered under male household heads in Kenya.

## Women's Land Rights in Kenya

In Kenya, the constitution forms the supreme law. The current constitution, promulgated in 2010, eliminates all forms of gender discrimination in acquisition of property. Furthermore, under article 2 of the constitution, both regional and international laws are recognized as part of the laws of Kenya (National Council for Law, 2010). Consequently, the CEDAW<sup>8</sup> treaty adopted in 1979, the Beijing platform for action, 1995<sup>9</sup>, the EAC-Treaty<sup>10</sup> of 2000 and COMESA<sup>11</sup> gender policy adopted in 2002 advocating for gender equality and empowerment of women through ownership of resources are considered part of Kenyan laws.

Under chapter five the constitution titled “Land and Environment” article 60 provides legal backing for equality in ownership and tenure security in land across gender. It demands in (1) “a) equitable access to land; b) security of land rights [...] f) elimination of gender discrimination in law, customs and practices related to land and property in land; and g) encouragement of communities to settle land disputes through recognized local community initiatives consistent” (National Council for Law, 2010: 41,42). Additionally, the constitution advocates for elimination of all forms of injustice and marginalization under article 10 (2) b including in access and control of land. It highlights, “human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized” as core national values and principles of governance (The Constitution of Kenya, 2010: 15).

Laws on equality in acquisition and ownership of property including land across gender, have existed prior to the 2010 constitution. For instance, the Law of Succession Act<sup>12</sup> passed in

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<sup>8</sup> The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in ensuring equality especially for rural women states that state parties should adopt appropriate measures to ensure that rural women “have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement scheme” (CEDAW Convention, Article 14 g.)

<sup>9</sup> The Beijing Platform for Action is an agenda developed by a women’s conference in Beijing aimed at empowering women to ensure equal opportunities for women including “a full and equal share in economic, social, cultural and political decision-making” (Beijing Platform for Action, 1995, Ch. I, 1).

<sup>10</sup> East African Community Treaty (EAC-Treaty) article 6 under the fundamental principles part d & e calls for „good governance including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as the recognition, promotion and protection of human and people’s rights in accordance with the provisions of the African Charter on Human and Peoples’ Rights; (e) equitable distribution of benefits“.

<sup>11</sup> The Common Market for Eastern and Southern Africa (COMESA) gender policy statement article 4.0 states that it is committed to “eliminating gender inequalities and ensure women's economic empowerment and equal access to and control of resources and opportunities; f. giving special attention to positive and affirmative action to redress all gender inequalities” COMESA Gender Policy, p. 11.

<sup>12</sup> Although consented in 1972 and commenced in 1981, the Law of Succession Act remained inactive until 1998 when the Public Law institute of Kenya financed by the United Nations conducted a public awareness program. The Act issued women and men equal rights to inherit property regardless of gender (sec. 35-40).

1981, specifically provides equal rights of property inheritance for both women and men (Law of Succession Act, 1981). Albeit with little effect, the Law of Succession Act has in the recent past been effected in favor of daughters seeking to inherit a portion of their fathers' land customarily apportioned to male progeny. In the last couple of years, there have been several court cases pitting female against male family members with the former having sued the latter for injustice in land inheritance. The court rulings in favor of the females against the backdrop of cultural elders who overwhelmingly favor the male folk in accordance with their representation of cultural norms<sup>13</sup> have ignited controversy.

Although in legal terms women's rights and tenure in land are protected, in practice cultural norms tend to supersede legal provisions. The National Land Commission (NLC) Act established in 2012 was established with the mandate of effecting devolution in land governance and ensuring equitable access and control of land across gender at local level. Under section 93(1) of the Act, spouses can register land jointly and be recognized as co-owners with equal rights. Having a woman's name on land registration documents empowers her. Being a co-owner of the husband's inherited land, for instance, gives her equal decision making power as her husband over the land. Additionally, these documents ensure legal security, reducing the chances of eviction in case the woman is widowed or divorced. However, this Act is subject to the Matrimonial Property Act.

The Matrimonial Property Act of 2012 identifies matrimonial property as any property "jointly owned and acquired" during marriage. The Act states that upon dissolution of marriage, matrimonial property will be distributed between spouses depending to their contribution to the acquisition of the property. It further reemphasizes acquisition of interests through "a contribution towards the improvement of the property, the spouse who makes a contribution acquires a beneficial interest in the property equal to the contribution made" (Matrimonial Property Act, 2012: III, 9). The Act protects each of the spouses from eviction from matrimonial property. Furthermore, in instances where land is registered under one spouse, and the other has contributed to the upkeep of the land through labor in production or maintenance of the same, with proof, the spouse acquires interest on the land and shall be legally recognized as a co-owner of the land (National Council for Law, 2010). However, customary law and according practices

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<sup>13</sup> See <http://www.nation.co.ke/news/1056-1119334-15skxgt/index.html> and Kenya Daily Nation 16. December 2017, see <http://www.nation.co.ke/counties/kericho/Ruling-allows-six-women-to-inherit-land/3444860-4230654-lvt3lcz/index.html>

are often upheld, especially in rural communities in Kenya, leaving women at the periphery of the law, and, in practical terms, often unable to assert and secure land rights.

Some authors see exclusive registration of land under men as the main cause of land tenure insecurity among women (Deininger & Castagnini, 2006). Others argue that the coexistence of formal and customary laws is the main contributing factor to women's land struggles (Kameri, 2005; Musangi, 2017). These authors further argue that the discriminative aspects of customary law that tend to disenfranchise women have remained put both within households and at the community level. Pursuing a similar argument, Ng'ang'a (2010) points out that as a result of resource rights discrimination, women in Kenya have been classified as second class citizens after men who are favored in property rights.

In fact, some scholars have argued that what is perceived as customary law today is a creation of the colonists in conjunction with African elites to establish or maintain social hierarchies (Sayer, 1998). They argue that by creating a 'land owners' class comprising of mainly men and a 'landless class' comprising of women, the landless were forced to work for and depend on the landowners for subsistence. Although the legal framework advocates for gender equality in access and control of land, land related conflicts involving women have persistently increased and failed to secure women's land rights, especially in rural areas in Kenya.

Gender equality is difficult to realize as the majority of the political elite in Kenya comprise of men who are favored by the patriarchal system in different ways; this may also be a reason why customary law still hampers women's empowerment through the formal legal structures. Article 27 (8) of the constitution provides for a two thirds gender rule not only in the realm of law makers but in all public administration including the NLC which would also ensure representation of women's interests in land issues (National Council for Law, 2010). Rather obviously, securing women's land rights is a necessary part of the realization of the fifth SDG. It will not only contribute to the empowerment of women in Gusiiland but also improve the situation with respect to other SDGs regarding poverty, hunger, peace and justice.

### **Women and Household Welfare**

According to Kimura & Katana, (2014), women's local struggles are often linked to institutionalized socio-political structures. These can be concealed in cultural norms that determine gendered roles and responsibilities that determine ownership of resources among men

and women (Kameri, 2006). Land ownership for instance, is a men's realm; statistics indicate that globally more than three quarters of land is owned by men (FAO, 2018)

However, land ownership among women has been shown to play a crucial role and have direct bearing on empowerment of women and improving household welfare. Alaka and Chetna (1987) found out that women without land had no power to make decisions within households and in the community, but after reforms that promoted land registration under women, women's opinions became significant. Agarwal (1994) confirmed Alaka and Chetna's findings and argued that in India widows owning land are respected more in society compared to those without land. Another study in India showed girls education attainment improved when women's land inheritance rights improved (Goyal & Nagarajan, 2010). Similarly, a study by Peterman (2011)) showed that women with stronger property inheritance rights are more likely to be employed outside the home and earn almost four times more than women who have no strong inheritance rights in Tanzania.

Moreover, a study by Doss (2006) in Ghana shows that the size of land owned by women correlates to their spending. Doss found out that women spend a larger proportion of their income on food and in educating their children. Furthermore, women with stronger property and inheritance rights depicted larger individual savings. To confirm this argument, Allendorf (2007) found out that women's land ownership is strongly linked to better nutrition for the children and the family, and Nyantakyi-Frimpong (2017) confirms that de-jure-female-headed households have greater dietary diversity. These and other studies provide considerable evidence that women's land tenure security plays a major role in poverty reduction, food security and adoption of sustainable land management practices and improvement of family welfare.

Gusiiland is a farming community located in south western Kenya where like in many other cultures, women are responsible for household welfare. They are customarily expected to provide food, ensure healthcare and education and other basic needs for the household (Häkansson, 1988; LeVine & Lloyd, 1966; Silberschmidt, 1992). Considering that land in this community is the main source of livelihood, access to land for women is vital in ensuring household welfare. Furthermore, besides equality in distribution of land rights across gender being one of the indicators of gender equality, the responsibilities undertaken by women in this case are central in the realization of the first five SDGs<sup>14</sup>.

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<sup>14</sup> The first five SDGs are; No poverty, Zero hunger, Good health and well-being, Quality education and Gender equality

Regardless of their responsibilities, women's rights to land in the community remain insecure and dependent on their relationships to men. Since land is passed through men over generations in a genealogy, women commonly access land through marriage and presumably own their husbands land *de facto* as long as the marriage holds. However, incidents of men selling land without consulting their wives are common in Gusiiland. Furthermore, women, especially those without sons risk eviction by their husbands in case of separation or divorce and also when widowed threatening the ability of these women to provide subsistence, healthcare, education and other basic needs for their households since land is the main the source of livelihood.

Migration, marital instability, male mortality and single parenthood have contributed to a growing number of women-headed households in Gusiiland. Silberschmidt (1992) noted in the early 1990s already, that about one-third of households are headed by women. Today, land related disputes involving women are common in Gusiiland and ordinarily perpetrated by relatives and neighbors with the aim of grabbing the land (Henrysson & Joireman, 2009). Without land the households are exposed to extreme poverty, food insecurity, lack of healthcare and inadequate access to education for the children. Even though women without land to farm on often resort to working on other peoples farms for minimal wages to provide subsistence for their households (Silberschmidt, 1999), the cost of education, healthcare and other basic amenities are unaffordable to the landless. Women without access to land, including divorcees and widows, work on their male relatives/in-laws farms to provide subsistence for their households (Boone, 2014).

Furthermore, from a study conducted in Gusiiland, Henrysson and Joireman (2009) pointed out that compared to men, women show higher levels of illiteracy and awareness with regard to legal rights. Poverty and the length of time courts take to determine cases also contribute to women losing their land. Furthermore, illiteracy tends to edge women out of holding influential positions in land administration. As a result, even though well intended, men making decisions on behalf of women are not duly informed of women's issues and desired intervention.

When involved in a land dispute, one has the option of seeking resolution from the local leaders or from the legal courts. Henrysson and Joireman (2009) found out that when seeking resolution through the court, one incurs high costs including lawyers' fee, case registration costs and transportation costs. As a result, the majority of the women involved in land disputes tend to pursue informal institutions for resolution. However, these customary institutions are marred by

patriarchal ideologies that tend to deny women justice. Other factors hindering justice include corruption in courts and murder threats on litigants.

This paper ultimately argues that adopting and implementing measures to secure women's land rights coupled with civic education is not only vital in improving household welfare but also in ensuring gender equality through securing their rights, both of which are key factors in realization of some of the SDGs. Eventually, considering the high value attached to land among the people of Gusiiland, ensuring women's secure access to land as enshrined in the constitution contribute to improved household welfare. Further the paper highlights some of the strategies that would improve land tenure security in Kenya.

### **Conclusion and Recommendations**

This paper has synthesized findings from a broad range of scientific literature dealing with regional and international settings. The overview shows that household well-being in farming communities is directly dependent on secure rights to land. However, although women are commonly responsible for household well-being, they customarily lack secure rights to land in many cases. Depending on relationships with men to access land threatens female-headed households' rights in land. Although formally gender equality in access and control of land is promoted, in practice women often remain without land tenure security. *De facto* rights in land are interlinked with widespread illiteracy, poverty and inefficient intervention of land dispute resolution institutions leaves women at the periphery of the legal system, often resulting in eviction, emotional stress, physical violence and even murder. Legal and practical gender equality is a fundamental requirement with intrinsic value. Securing women's rights in land will empower women in Gusiiland and ultimately improve household well being and consequently promote gender equality.

The constitution of Kenya recognizes national, regional and international laws that encourage gender equality. There should be considerable efforts from the government to ensure these laws are implemented at the local level.

More specifically, the difficulties in establishing adequate institutions to secure women's land rights and making effective use of them point to a number of underlying, structural problems regarding existing institutions as well as regarding gender equality. Key factors in the reproduction of gender inequality are related to the education system. Therefore, ensuring equal access to education is a key prerequisite in ensuring gender equality.

Regarding tenure, a broad civic education on women's constitutional rights in land seems necessary and vital for protecting women from injustice. Information campaigns on joint land registration could empower women in a targeted way.

Regarding the institutional setup, two approaches seem promising: Improving land registration and creating greater transparency regarding gender issues. Simplifying and reducing the cost of registration process seems crucial for encouraging women to formalize their land rights. Furthermore, in the same context, measures to address corruption need to be adopted and implemented to ensuring access to justice for all.

Creating greater transparency implies improving our knowledge about the situation. While there is a broad acknowledgement of gender inequalities in land tenure in Kenya, there is comparably little systematic knowledge about local situations and attempts to redress such inequalities. Different types of gender monitoring could also become part of future digitalization efforts in land administration; capacity building and a better gender balance (quota) in the department of land are essential in this context.



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